

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 20,472  
 )  
Appeal of )

The petitioner appealed a decision of the Department for Children and Families, Health Access Eligibility Unit denying petitioner Vermont Health Access Program (VHAP) benefits. The petitioner subsequently became eligible for VHAP based on her June 27, 2006 application. The issue is whether the petitioner's income exceeded the program maximum for the closed period of time between her April 12, 2006 and June 27, 2006 applications.

1. The petitioner applied for VHAP as a single person. The petitioner is divorced and speaks English as a second language.

2. At the hearing held on August 31, 2006, the petitioner did not dispute the Department's determination that at the time of her April application, her earned income was \$1,880.06 per month. The petitioner disputed the

Department's treatment of her alimony towards her countable income.

3. Petitioner was awarded \$1,200 per month as alimony. Petitioner did not and does not receive the alimony directly. Her ex-husband has been meeting his obligation to pay alimony by directly making payments to the mortgage company. At the time of the April application, the Department was not aware that petitioner did not directly receive alimony.<sup>1</sup>

4. When the department determined petitioner's eligibility based on the information in the April 12, 2006 application, the Department calculated that petitioner had monthly countable income of \$2,990.06, which is in excess of the VHAP maximum of \$1,232 per month for a household of one. The Department based its determination upon petitioner's report of her wages and alimony. Petitioner was found eligible for the Healthy Vermonters Program.

5. Based on petitioner's earned income alone, petitioner's countable monthly income was \$1,790.06 which is in excess of the VHAP monthly maximum of \$1,232.

6. Petitioner reapplied for VHAP on June 27, 2006 and was found eligible for VHAP.

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<sup>1</sup> The Department disregarded the alimony when petitioner applied for VHAP again after a change in her earned income.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all earned income, except for a \$90 disregard is included as countable income for eligibility. W.A.M. § 4001.81(c) and (d). There is no dispute that as of petitioner's April 12, 2006 application, petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a one person household which is \$1,232. P-2420B. In conclusion, the Department's finding that petitioner is ineligible for VHAP based on her countable income must be affirmed. 3 V.S.A. §3091(d), Fair Hearing Rule No. 17.

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